

UNITED STATES DISTRICT COURT - DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC;

UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No.1:23-cv-00374-JL

[EMERGENCY]

MOTION FOR RECONSIDERATION

OF

EMERGENCY MOTION TO STAY THE DEADLINE

FOR THE MOTION TO AMEND THE COMPLAINT WITH AMENDED COMPLAINT UNTIL

THE PENDING ACTIVE MOTIONS THAT ARE NOT STAYED [INCLUDING FOR REMAND,

FOR REMAND DISCOVERY AND FOR APPOINTMENT OF COUNSEL] ARE FULLY

RESOLVED WITH REQUEST FOR EXPEDITED RULING

1. I hereby file this **motion for reconsideration of my motion to stay the deadline to file a motion to amend the complaint with the amended complaint**, while the below matters are in the process of being resolved, and, in the alternative, I ask for a stay on the motion to amend the complaint until these matters below are resolved fully. Grounds are as follows.
2. On 3-11-24, I filed the following motion: **Emergency MOTION to Stay EMERGENCY MOTION TO STAY THE DEADLINE FOR THE MOTION TO AMEND THE COMPLAINT WITH AMENDED COMPLAINT UNTIL THE PENDING ACTIVE MOTIONS THAT ARE NOT STAYED [INCLUDING FOR REMAND, FOR REMAND DISCOVERY AND FOR APPOINTMENT OF COUNSEL] ARE FULLY RESOLVED WITH REQUEST FOR EXPEDITED RULING.**
3. The court's 3-13-24 order on this motion stated: "Plaintiff's request to stay the deadline for filing the motion to amend is denied as moot."
4. I filed the above motion on 3-11-24. But the court waited until the deadline of 3-12-24 passed before ruling on the above motion. Without knowing what the court would rule, I could not take the risk of allowing the deadline to pass and risk the court denying the motion and then be subject to unknown prejudice. I have seen courts do draconian things in other venues, particularly with pro se litigants including myself and others, and so my trust in courts that they would not do draconian things in situations like this is very low. I thus had no choice but to try to protect myself and thus to file something even though I was not ready to file the documents as yet. As stated in the motion itself, I thus filed the motion to amend complaint with proposed amended complaint, as a **placeholder** because the court denied my motion to extend time to file the motion to amend complaint. I had to file whatever I could have ready by the deadline. However, there was a lot more that I intended to do regarding amending the complaint. The denial of the requested extension of time based on the need for reasonable accommodation was a significant prejudice to me. I also intend to file an objection to this ruling, if this motion to reconsider is denied, as may be necessary. I also believe the court has overlooked or ignored the impact of how all of this has played out and its impact on my ability to file a proper amended complaint. I was also essentially given the impression that my requested extension would be granted based on the court's ruling on 3-7-24 and/or 3-8-24 indicating that the court circumvented the court rules regarding sealing of the motion to extend time, by unsealing a motion to seal and not returning it to me, while requiring the redacted refiling of the sealed motion to extend time, because the court was acting in my best interest. This led me to believe the court was going to grant the motion, after waiting 11 days to rule on the motion to extend time (and especially given the strong documentation provided supporting need for accommodation). But surprisingly the court at the last moment, unceremoniously denied my motion to extend time, one day before the deadline, leaving me little or no time to regroup. This was to my prejudice. I am really upset about this and it, among other things, has diminished my trust in the court as the words of the court seem like a proverbial "moving target". If the court is not able or willing to put itself in my shoes to imagine why this would be blindsiding to me and/or upsetting to me, then this would only further underscore grounds for my diminished trust in the court.

5. Similarly, I should not be held to rigid standards regarding the motion to amend the complaint and the proposed amended complaint, since I was not allowed the reasonable time I requested to complete the amended complaint, based on the need for reasonable accommodation that I presented to the court.
6. In fact, the defendants have sought to exploit this fact, finding fault with the length of the amended complaint (though it has been shortened though I wanted to shorten it further but did not have the time to do so) among other nitpicky pedantic technicalities.
7. The court should allow the stay as was originally requested or as requested now in the alternative.
8. Moreover, although the court has subsequently ruled on the motion to remand and motion for remand discovery, I still need to file reconsideration or objection regarding those as I believe there are important points of fact or law that has been overlooked by the court. Thus, the motion to remand the case to state court and the motion for limited discovery pertaining to the motion to remand to state court are not yet fully resolved and there is still a chance that the case could be remanded upon reconsideration or after objection to the ruling. These items are antecedent to the motion to amend complaint or the amended complaint being filed and should have been resolved first. The court itself stated previously that the remand issues takes precedence and priority over other issues because it is a jurisdictional issue and must be resolved first. I had a right to know if this case will be remanded or if there will be limited discovery relating to remand, before having to file an amended complaint.
9. Also, the court still has not ruled on the motion to appoint counsel. This has been to my prejudice. If I had counsel appointed, I would not have the issues regarding submission of a placeholder motion to amend the complaint or the need for time extension, etc.
10. I also intend to file a new motion for reasonable accommodation based on new information/documentation. I have the right to have the issue with my reasonable accommodation resolved before proceeding further with the case. I am also concerned about how the court will treat my need for accommodation going forward. Also, I would like to preserve my right to appeal this issue immediately should it be necessary given that it affects my ability to prosecute this case.
11. I also have issues with my pacer account which has been disabled. I have filed a motion for reconsideration of my motion to waive pacer fees with the court and thus will be awaiting ruling. See accompanying motion filed today. Without access to pacer, I have been and will continue to be hampered/impeded in my ability to prosecute this case.
12. Based on the above, a stay is appropriate. In the alternative, I ask for a stay on the motion to amend the complaint until these items are fully resolved.
13. Please grant a pro se liberal construction to this motion.
14. I ask for a ruling as soon as possible given the time sensitivities inherent in this motion and with the issues and items referenced in this motion.
15. However, if necessary or if the court is inclined to deny this motion, I then request a **hearing on this motion and for a hearing to be scheduled as soon as possible**. It is difficult to fully explain in writing all the reasons for this motion because of the circuitous and thus complex nature of the interrelated issues. I believe oral hearing will allow me to better explain or clarify why this motion should be granted.
16. I previously **sought concurrence** from the defendants on this motion or on matters related to this motion including the extension of time to file this reconsideration, and the defendants have not concurred, thus I believe I can represent that the defendants do not concur.
17. WHEREFORE, I respectfully request that this Court grants the relief requested or grant any other relief the Court deems proper.

Respectfully submitted,
/s/Andre Bisasor
 Plaintiff Andre Bisasor

April 3, 2024

CERTIFICATE OF SERVICE

This filing is served to all parties of record via the e-filing system.

/s/Andre Bisasor
 Andre Bisasor